

OFFICIAL COPY

Fresno, California

June 13, 2000

The City Council met in joint session with the Redevelopment Agency at the hour of 8:43a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Ken Steitz	Councilmember - Arrived shortly thereafter
	Dan Ronquillo	Councilmember
	Tom Boyajian	Council President

Jeff Reid, City Manager  
Daniel Fitzpatrick, Executive Director  
Hilda Cantu Montoy, City Attorney  
Jess Avila, Assistant City Attorney  
Rebecca Klisch, City Clerk  
Cindy Hamby, Deputy City Clerk

**(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

**APPROVE AGENCY MINUTES OF JUNE 13, 2000**

On motion of Member Mathys, seconded by Member Bredefeld, duly carried, **RESOLVED**, the minutes of June 6, 2000, approved as submitted.

**(“A”) HEARING ON FY 2000-2001 BUDGET OF THE REDEVELOPMENT AGENCY**

**1. RESOLUTION NO. 1566 - ADOPTING THE AAR FOR THE FY 2000-2001 BUDGET OF THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO**

Chair Ronquillo announced the time had arrived to consider the issue and opened the hearing. Director Fitzpatrick gave a brief presentation of the budget as submitted and gave an update on the on-going projects.

Upon call, no one wished to be heard and Chair Ronquillo closed the hearing.

Chair Ronquillo commended staff, and stated the Redevelopment Agency has become a tool for the City's benefit.

Councilmember Mathys discussed the five governmental bodies, ie. the Fresno Redevelopment Agency, Economic Development Corp (EDC), Fresno Revitalization Corp.(FRC), and the Industrial Development Corp.(IDC), questioned the mission of the Redevelopment Agency and the FRC and stated the two bodies should be consolidated, with Mr. Fitzpatrick stating the FRC provides access to grants that the RDA cannot obtain and elaborated.

A motion by Councilmember Mathys to consolidate the Redevelopment Agency and the Fresno Revitalization Corporation as one board with the board to be made up of the City Council and the Executive Director would be Daniel Fitzpatrick, died due to a lack of a second.

Discussion ensued regarding the Chamblian Project with Mr. Fitzpatrick stating a report would be brought back to Council in September. Councilmember Perea left the meeting at 9:03 a.m. and returned at 9:10 a.m. Councilmember Mathys questioned the amount of money the Redevelopment Agency owes with Mr. Fitzpatrick responding.

Councilmember Steitz questioned the status of the multipurpose stadium, and expressed concern relating to the site.

The Redevelopment Agency recessed at 9:19 a.m., and the City Council convened in regular session.

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Pastor Jerry from Calvary Missionary Baptist Church gave the invocation, and Councilmember Quintero led the Pledge of Allegiance to the Flag

PRESENTATION OF CERTIFICATE OF COMMENDATION TO RAMSUDHA NARALA FOR 12<sup>TH</sup> PLACE FINISH IN NATIONAL SPELLING BEE - ACTING PRESIDENT BREDEFELD

PROCLAMATION OF “MAUREEN WITHROW DAY” - COUNCILMEMBER RONQUILLO

**(2-0)** PRESENTATION OF RESOLUTIONS OF COMMENDATION TO BULLARD TALENT SCHOOL EXCELLENCE AWARD - MAYOR PATTERSON AND ALL COUNCILMEMBERS

PRESENTATION OF RESOLUTIONS OF COMMENDATION TO BULLARD HIGH SCHOOL STUDENTS LAURA WARD AND CHRIS TELESMANIC - COUNCILMEMBER MATHYS

The above proclamations were read and presented.

Fire Chief Smith introduced Fire Deputy Chief Albert Gazey visiting from West Africa.

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At the hour of 9:40 a.m. the City Council reconvened as the Redevelopment Agency.

Councilmember Steitz continued his questions and commended the Agency on their accomplishments.

Councilmember Perea concurred with the consolidation of the Redevelopment Agency and the Fresno Revitalization Corporation and requested staff provide an analysis or plan to consolidate the two entities.

Resolution No. 1566 hereby adopted as submitted, by the following vote:

Ayes : Boyajian, Bredefeld, Perea, Quintero, Steitz, Ronquillo  
Noes : Mathys  
Absent : None

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The Redevelopment Agency recessed at 9:48 a.m. to 10:00 a.m. from a joint meeting with the City Council, and the City Council convened in regular session. Councilmember Ronquillo left the meeting at 9:50 a.m.

**APPROVE COUNCIL MINUTES:**

On motion of Councilmember Perea, seconded by Councilmember Mathys, duly carried, RESOLVED, the minutes of June 6, 2000, approved as submitted.

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**APPROVE AGENDA**

On motion of Councilmember Perea, seconded by Councilmember Mathys, duly carried, RESOLVED, 5B will be heard at 10:00 A.M., by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Boyajian  
Noes : Steitz  
Absent : Ronquillo

City Clerk Klisch noted a request by Diane Scott that the Council hear the GAP issue after her 3:30 p.m. request to appear was made and advised City Manager Reid requested the GAP item be discussed when he was present at the meeting. Ms. Klisch also announced the Fentress Bradburn Architects, Ltd, et al. v. City of Fresno listed under Closed Session was removed from the agenda by the City Attorney.

Councilmember Quintero requested a timed item in two weeks to request a presentation by Tree Fresno and Parks, Recreation and Community Services to discuss and answer questions regarding the olive trees located on Peach Avenue south of Butler Avenue. The item was set for June 27, 2000 at 10:15 a.m.

**(3A) RESOLUTION - 13<sup>th</sup> AMENDMENT TO PAR 99-182 ADDING NINE (9) MANAGEMENT ANALYST I/II POSITIONS TO THE OFFICE OF THE CITY MANAGER**

Acting President Bredefeld requested item 3A be laid over 2 to 3 weeks and requested the City Manager’s Office provide several options at that time for Council consideration.

On motion of Acting President Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, 3A be laid over 2 to 3 weeks, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Boyajian  
Noes : Steitz  
Absent : Ronquillo

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Boyajian  
Noes : Steitz  
Absent : Ronquillo

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**ADOPT CONSENT CALENDAR**

**(1A-1) AWARD A CONTRACT TO B & R ROOFING CO. IN THE AMOUNT OF \$217,500 TO RE-ROOF TWO FRESNO AREA EXPRESS (FAX) BUILDINGS**

**(1A-2) AWARD A CONTRACT TO INSITUFORM TECHNOLOGIES IN THE AMOUNT OF \$788,795 FOR SANITARY SEWER REHABILITATION BY METHOD OF CURED IN PLACE PIPE**

**(1A-4) RESOLUTION NO. 2000-180 - AUTHORIZING PUBLIC WORKS DIRECTOR OR CITY ENGINEER TO EXECUTE EASEMENT DOCUMENTS OF A ROUTINE NATURE OVER CITY-OWNED PROPERTY; AND AUTHORIZING THE PUBLIC WORKS DIRECTOR AND THE CITY ENGINEER TO EXECUTE ON BEHALF OF THE CITY EASEMENT DOCUMENTS OF A ROUTINE NATURE THAT GRANT PUBLIC SERVICE EASEMENTS OVER CITY- OWNED PROPERTY**

**(1A-5) RESOLUTION NO 2000-181- AUTHORIZING AND DIRECTING THE PUBLIC WORKS DIRECTOR TO EXECUTE ON BEHALF OF THE CITY THE ATTACHED EASEMENT DOCUMENT GRANTING AN EASEMENT OVER CERTAIN CITY-OWNED PROPERTY TO PACIFIC GAS AND ELECTRIC CO. (PG&E), TO PROVIDE FOR THE CAPACITOR BANK AND JUNCTION BOX AND APPURTENANCES THERETO, PROPERTY LOCATED ON THE EAST SIDE OF N. FIRST STREET NORTH OF E. NILES AVENUE**

**(1A-7) APPROVE RESOLUTION AGREEMENT BETWEEN THE CITY OF FRESNO AND CALCOT, LTD., RELATED TO PERFORMANCE OF REVISED CONDITION OF VESTING TENTATIVE MAP TRACT NO. 4637/UGM 5594**

On motion of Councilmember Steitz, seconded by Councilmember Quintero, duly carried, RESOLVED, the **CONSENT CALENDAR** hereby approved, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian  
Noes : None  
Absent : Ronquillo

Councilmember Perea left the meeting at 9:52 a.m.

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**(5C) \* RESOLUTION NO 2000-182 - 109<sup>TH</sup> AMENDMENT TO AAR NO. 99-181 APPROPRIATING \$300 OF DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE COST OF THE BOUNCE HOUSE AND FOOD FOR THE 2<sup>ND</sup> ANNUAL LANE AND WINERY DAY - COUNCILMEMBER QUINTERO (*REQUIRES 5 AFFIRMATIVE VOTES*)**

On motion of Councilmember Quintero, seconded by Acting President Bredefeld, duly carried, RESOLVED,

the above entitled Resolution No. 2000-182 hereby adopted, by the following vote:

Ayes : Bredefeld, Mathys Quintero, Steitz, Boyajian  
Noes : None  
Absent : Perea, Ronquillo

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Councilmembers Perea and Ronquillo returned to the meeting at 9:56 a.m.

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**(5A) DIRECT CITY MANAGER TO PREPARE DOCUMENTS AWARDING THE CITY TELECOM RFP TO PACIFIC BELL - COUNCILMEMBER PEREA**

Councilmember Ronquillo was in the Chambers but recused from discussion due to potential conflict of interest.

Councilmember Perea stated several weeks ago, Council made a decision as to the telephone provider for the City of Fresno, and noted the vote taken was to reject the bid to MCI and award services to Pacific Bell.

A motion to award the bid to Pacific Bell was made by Councilmember Perea and voted upon after brief discussion.

Acting President Bredefeld expressed concern with not awarding the bid to MCI, stated the company would save the City money and provide quality service.

On motion of Councilmember Perea, seconded by Councilmember Mathys, duly carried, **RESOLVED**, the City Manager hereby directed to prepare necessary documents to award the bid and negotiate an agreement with Pacific Bell for Telecom services to the City of Fresno, by the following vote:

Ayes : Mathys, Perea, Quintero, Boyajian  
Noes : Bredefeld, Steitz,  
Absent : Ronquillo

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**(5B) APPROVE RENEWAL OF THE LICENSE AGREEMENT WITH THE FRESNO FALCONS - COUNCILMEMBER PEREA**

Convention Center Director Valdez stated there was one exception to the agreement that needed to be resolved relating to the security deposit for season ticket holders and briefly reviewed the issue.

John Tull, Consultant with National Sports Services, discussed the \$75,000 security deposit for season ticket holders, stated their intent is to make the hockey team succeed in Fresno and elaborated.

Councilmember Perea commended the staff involved and discussed portions of the agreement, requested the

removal of Section 37.2 of the agreement with the understanding that in the event there is a default, the season ticket holders would be covered by the league, with extensive discussion ensuing.

A motion by Councilmember Perea to approve the license agreement with the Fresno Falcons was voted upon after extensive discussion.

City Attorney Montoy stated for the record, she had not yet reviewed the agreement, and stated Section 42 would be redrafted to ensure the mutual understanding is reflected in the language.

Councilmember Quintero left the meeting at 10:10 a.m.

Councilmember Steitz questioned the number of hockey games played per year and the financial implications and expressed concern regarding people purchasing season tickets with Mr. Valdez and Deputy City Attorney Smith responding. **(3-0)** Councilmember Steitz expressed concern with hockey not being a proven commodity of Fresno, stated the average attendance proved it and recommended giving incentives for people to spend money on marketing instead of a flat fee and elaborated.

Mr. Tull responded to questions relating to strategies and the creation of a sport marketing staff.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the renewal of the License Agreement with the Fresno Falcons to include the modification of Section 37.2 of the agreement hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Steitz
Absent	:	None

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The City Council reconvened in joint session with the Redevelopment Agency at the hour of 10:16 a.m.

- (10:00 A.M. #2A) INITIATE NAMING OF KEARNEY PALMS SHOPPING CENTER SUBSTATION AS “IRWIN FOSTER, SR. POLICE SUBSTATION” - COUNCILMEMBER RONQUILLO**
- 1. DIRECTING CITY MANAGER AND REDEVELOPMENT AGENCY EXECUTIVE DIRECTOR TO INITIATE ALL PROCESSES NECESSARY TO NAME THE KEARNEY PALMS SHOPPING CENTER POLICE SUBSTATION AS “IRWIN SR. FOSTER POLICE SUBSTATION”**
  - 2. INITIATE NAMING OF KEARNEY PALMS SHOPPING CENTER POLICE SUBSTATION**
  - 3. SETTING HEARING ON NAMING OF KEARNEY PALMS SHOPPING CENTER POLICE SUBSTATION AS “IRWIN FOSTER, SR. POLICE SUBSTATION”**

Lieutenant Keith Foster stated the police substation being named after his father was a great honor and thanked Council for their support. Councilmember Ronquillo commended Irwin Foster, Sr. for his hard work in the community. Captain Maroney spoke in support of the renaming.

Barbara Hunt, 944 “F” Street spoke in support of the issue.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, staff hereby directed to set public hearing on the naming of Kearney Palms Shopping Center Police Substation as Irwin Foster, Sr. Police Substation, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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Councilmember Quintero left the meeting at 10:10 a.m. and returned at 10:12 a.m.

**RECESS - 10:43 A.M. - 11:10 A.M.** - Councilmember Mathys arrived later.

**(10:00 A.M.#1) CONTINUED BUDGET HEARINGS**

- (A.) \***RESOLUTION NO. 2000-183 - (AS AMENDED)** ADOPTION OF THE FISCAL YEAR 2000-2001 CITY OF FRESNO BUDGET AND THE ANNUAL ACTION PLAN INCLUDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP (HOME) AND EMERGENCY SHELTER GRANT (ESG) BUDGETS INCLUDING THE ANNUAL APPROPRIATIONS RESOLUTION (AAR), POSITION AUTHORIZATION RESOLUTION (PAR), SALARY RESOLUTION, MASTER FEE SCHEDULE (MFS), PROPERTY TAX OVERRIDE (PTO) ORDINANCE, AND SELECTION OF THE GANN LIMIT METHODOLOGY
- B.\* **RESOLUTION NO. 2000-184 - (AS AMENDED)** ADOPTING THE FY 2000-2001 POSITION AUTHORIZATION RESOLUTION (PAR)
- C.\* **RESOLUTION NO. 2000-185 -** ADOPTING THE 370<sup>TH</sup> AMENDMENT TO THE MASTER FEE SCHEDULE (MFS) RESOLUTION NO. 80-420
- D.\* **BILL NO. B-40/ORDINANCE NO. 2000-43 - (FOR INTRODUCTION AND ADOPTION)** ADOPTING THE PROPERTY TAX OVERRIDE (PTO) ORDINANCE
- E.\* **RESOLUTION NO. 2000-186 -** ESTABLISHING RATES FOR THE APPLICATION OF CITY EMPLOYEES COMPENSATION RATES AND SCHEDULES AND RELATED REQUIREMENTS, AND ESTABLISHING COMPENSATION RATES AND SCHEDULES (FY 2000-2001 SALARY RESOLUTION)
- F. SELECTION OF METHODOLOGY FOR DETERMINATION OF FY 01 GANN APPROPRIATION LIMIT
- G.\* **RESOLUTION NO. 2000-187 -** AUTHORIZING THE ISSUANCE OF CITY OF FRESNO, CALIFORNIA TAXABLE PENSION OBLIGATION BONDS, REFUNDING SERIES A, B, C AND D OF 2000 (AUCTION RATE BONDS); APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL TRUST AGREEMENT AND EACH OF THE EXHIBITS ATTACHED THERETO, AN ESCROW AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, ONE OR MORE CONTRACTS OF PURCHASE , A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT; AND AUTHORIZING OTHER MATTERS RELATING THERETO

Councilmember Perea thanked staff and reviewed the budget documents, stated the Council took a strong stance on providing more neighborhood improvements and enhancements, law enforcement, the Police Substation in Northeast Fresno and the importance of building a reserve in the budget.

Councilmember Perea read into the record a motion to adopt the FY 2000-2001 City budget with the following modifications which was acted upon after extensive discussion.

1. The budget incorporates the changes received from the City Manager per Memorandum of 5/17/00 regarding Business Transaction Counselors, Mayor's Proposed \$20 million in Capital Improvements for Transportation related projects, and new revenue from the State of California (\$1.5M property tax, \$260,000 Department of Education Settlement)
2. City Council Infrastructure budgets are to be restored to \$140,000 per District. The funds for the Infrastructure Accounts totaling \$980,000 are to come from the following:  
Source: Department of Education Settlement (\$189,000 of the \$260,000) \$27,000 from each of the seven Districts; page 68 - City Beautification (\$43,750) \$6,250 from each of the 7 Districts; CDBG page 281 - HNR (Deletion of Management Analyst I and Clerk (\$94,900 x 75%) \$17,500 from Districts 1, 3, 5 and 7; CA State Property Tax Shift (\$490,000) \$70,000 from each of the seven Districts; CDBG (\$40,000 from Public Works Capital) \$10,000 from Districts 1, 3, 5 and 7; from reduction in Item #10 discussed below \$9,250 from Districts 1 3, 5 and 7 and \$36,750 from Districts 2, 4 and 6; Total: \$140,000 from each of the 7 Districts
3. \$10,000 per Council District for employees services (benefits) is to be added. The \$70,000 for Council Employee Benefits is to come from the balance of the Dept. of Education Settlement
4. Any unused City Council Infrastructure Funds from this fiscal year are to be rolled over into FY 2001 budget
5. The following budget changes for infrastructure are to be made as follows:  
The proposed budget specifies \$2.1 million for opening the north end of the Fulton Mall. \$893,000 of this is from Measure C funds with the balance from Prop 111 funds. Since the Fulton Mall project needs to completed engineering, design and EIR work in FY 2001, we are prioritizing the \$893,000 Measure C fund for the following project that can be complete in FY 2001: Pilibos Soccer Park - curb, gutter, sidewalks, streetscape improvements \$50,000; Heaton Area Infrastructure Improvements \$290,000; Cooper Middle School Area Improvements \$140,000; Median Island - Clinton/Crystal \$26,000; Fremont School Area Infrastructure Improvements \$100,000; Van Ness Streetlights - Harvard to Shields \$50,000; Van Ness/Tulare - left turn lane \$50,000; Signal Light - Senior Citizen Village \$150,000; Flashing Lights - City College \$37,000 - Total: \$893,000; Show in 5 year Capital Improvement Plan, Measure C funds for the following amount of opening the north end of the Mall in FY 2002
6. The following capital projects are to be funded by using \$70,000 from "Space Renovations" and \$40,000 in Contingency on page 198 "Forfeiture Trust" to fund the following Police Department projects: Highway City Police Substation \$10,000 and Northeast Police Substation \$100,000
7. The 13 firefighters budgeted for only the last 2 - 3 months of next fiscal year for \$160,000 is to be replaced with 4 firefighters for 3/4 of a year with the same funding. We strongly urge that the Mayor fill the current 15 vacant firefighter positions. To that end we direct that 10 of these vacant positions be formed into a specialized rescue crew which can also serve as a floating company to back-fill a station that is vacated due to special assignments.
8. Overhead reductions: page 103 proposed new overhead staff - \$268,300; page 103 - \$46,800; page 101 - \$105,500; page 106 - \$67,000; Management Support Division 1 vacant Management Analyst II - Total \$487,600; page 142 Proposed Fire Reserve Program \$118,900; page 143 Management Analyst II \$34,800; page 63-2 proposed & one vacant Internal Auditor \$180,000 X 31% = \$54,000 - Total \$695,300
9. The following high priority projects are to be funded from the above reductions in overhead expenses:  
Additions: Pilibos Soccer Park - \$98,000; Rotary Playland - \$50,000; Marjorie Mason Center - \$33,000; S e  
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6/13/00

10. The following miscellaneous reductions in overhead expenditures are to be made:  
Reductions: page 80 City Manager's Office: Economic Development Coordinator - \$66,900; Economic Development Manager - \$95,900 - Total \$162,800 - These positions are to budgeted for ½ year and balance as of 1/1/01 to be moved to Contingency  
page 65 - travel - \$7,500 - General Fund Savings (estimate) - \$7,500  
page 464 - 1 buyer - \$48,000, % General Fund 22% - General Fund Savings (estimate) - \$10,560  
page 520 (ISD) 1 new Programmer/Analyst - Total \$57,900; 1 vacant Program Service Supervisor - \$65,000; 1 vacant Senior Administrative Clerk - \$30,000 - % General Fund - 34% - General Fund Savings (estimate) - \$52,000  
page 266 - Non-departmental Management Analyst III - Total \$49,100 - % General Fund - 34% - General Fund Savings (estimate) - \$16,700  
page 458 - DAS - Digital file storage system - Total \$7,500; Upgrade application processing system - \$23,700; % General Fund - 50% - General Fund Savings (estimate) - \$15,600  
page 462 - DAS - New accounting and auditor positions (These functions of UGM accounting are to be managed by current staff) - Total \$90,400 - % General Fund - 22% - General Fund Savings (estimate) - \$20,000  
page 463 - DAS new Accounting Technician position - Total \$26,200 - % General Fund - 22% - General Fund Savings (estimate) \$5,750; 1 vacant Human Resource Analyst - Total \$48,600 - % General Fund - 50% - General Fund Savings (estimate) \$24,300 TOTAL - \$152,410
11. Parking meters are to be reinstalled in approximately 60% of the areas where they existed previously. Revenue

for their reinstallation will come from parking meter revenue generated. Their installation will be in areas primarily located around office facilities versus primary shopping areas. The budget is to show \$100,000 in expenditures for meter installation and \$100,000 in revenue from meter collection. Specific locations will be determined by Council in July of this year. No further Parking Reserves revenue is to be used to subsidize the current parking enforcement program as long as there are no parking meters to generate revenue for the program. Councilmember Steitz left the meeting at 11:19 a.m and returned at 11:27 a.m. Councilmember Mathys left the meeting at 11:28 a.m. and returned at 11:30 a.m.

12. In addition to the changes made in CDBG budget in Item #2 above, the following funding is to be reallocated in the CDBG Annual Action Plan:  
\$15,000 - Fair Housing Council of Fresno County (this increase is in addition to the \$35,000 Mayor's recommendation)  
\$38,000 - Calwa Recreation Park District (subject to District entering into maintenance agreement)  
\$20,000 - CARE Fresno (if equally matched)  
\$25,000 - Consumer Credit Counseling  
Total \$98,000 The \$98,000 is to be reduced in expenses in #14 of the Annual Action Plan (HNR Department)
13. \$1,000,000 in property tax revenue to be received from the State is to be placed into a City General Reserve Fund, per provisions of Charter Section 1212
14. This motion includes adding language to the Budget Resolution that requires Council approval before any funds are expended out of any Reserve Account/Fund or Contingency account in any fund of City government
15. Funds in the Airport budget for lobbying expenses are to be place in an Airport Contingency Account and not expended until such time as a policy for the use of these funds is presented and approved by the City Council
16. This motion includes approval of all items necessary for refinancing of the Pension Obligation Bonds subject to final adoption and approval of the FY 2001 budget
17. All other motions previously made on the budget during hearings are hereby deleted.

135-291

6/13/00

**(4-0)** Councilmember Ronquillo reiterated the importance of having a reserve in the budget for the purpose of public safety, capital improvements with basic neighborhood improvements and the support of children activities and economic growth, and stated his support on adoption of the budget.

Acting President Bredefeld questioned removal of the Fire Reserve Program, and Al Rausch, President of the Firefighters Union No. 753, explained an Explorer Reserve Program was already in effect at no cost and with the adoption of the Council's proposed budget would increase the number of firefighters by 4. Acting President Bredefeld commended the Budget sub-committee and staff for their work on the proposed budget and noted the importance of the inclusion for the funding of the Northeast Police Substation.

City Attorney Montoy clarified the above motion, questioned page 1 relating to "and all related documents" and stated for the record that indicates all the resolutions listed on the 6/13/00 agenda under 10:00 a.m. #1 A - G, noted the City Attorney's Office, in conjunction with the Budget Division, will provide amendments to the relevant resolution as necessary. Ms. Montoy continued, confirmed inclusion of language for #13, #14, #15 and #16, and confirmed the above motion referring to City Attorney's Office should be corrected for budgeting for 2 legal secretaries, not legal assistants.

Council President Boyajian confirmed the lighting at Quigley Park, parking for the Tower District, and the money

for Lyons was rolled over along with the median island on Clinton and Crystal, thanked staff and stated the money in this budget is being allocated to neighborhoods in need of work, and elaborated. Council President Boyajian stated if necessary a special meeting could be set any day of the remaining week to finalize the budget.

Barbara Hunt, 944 “F” Street, spoke to the issue.

Alex Correra, President Local 39, requested the funds allocated for Tree Fresno be transferred to the Parks Department to hire additional staff for the increased duties the department has been assigned, and stated Tree Fresno had not met their responsibilities in the past.

On motion of Councilmember Perea, seconded by Council President Boyajian, duly carried, RESOLVED, the proposed City Budget for FY 2000-2001 and all related modified documents to include Resolution Nos. 2000-183 as amended, 2000-184, as amended, 2000-185, 2000-186, 2000-187 adopted, Bill No. B-40 adopted as Ordinance No. 2000-43; and selection of methodology for determination of FY 01 GANN appropriation limit hereby approved, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Mathys, Steitz
Absent	:	None

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**LUNCH 12:00 P.M. - 2:31 P.M.** The City Council reconvened in joint session with the Redevelopment Agency.

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**(10:00 A.M. #2“B”)** CONTINUED HEARING TO CONSIDER FINANCING ALTERNATIVES FOR IMPLEMENTING EXISTING AGREEMENTS BETWEEN THE CITY AND THE GAP, INC., INCLUDING THE FOLLOWING AGREEMENT AND RELATED AGREEMENTS AND DOCUMENTS RELATIVE TO THE PROPOSED DEVELOPMENT OF A DISTRIBUTION CENTER AND OFFICE DEVELOPMENT PROPOSED BY THE GAP, INC., ON 70.25 ACRES OF PROPERTY LOCATED NORTHERLY OF AIRWAYS BOULEVARD EAST OF PEACH AVENUE IN THE AIRPORT AREA REVITALIZATION REDEVELOPMENT PROJECT AREA **(COUNCIL AND AGENCY ACTION)**

**1. JOINT RESOLUTION NO. 2000-188/1567** - APPROVING A FUNDING AGREEMENT (FORMERLY A REIMBURSEMENT AGREEMENT) BETWEEN THE CITY OF FRESNO AND THE REDEVELOPMENT AGENCY RELATING TO THE RELOCATION OF A STORM DRAINAGE BASIN AND INSTALLATION OF RELATED OFF-SITE STORM DRAINAGE IMPROVEMENTS NECESSARY FOR THE CONVEYANCE OF CERTAIN PROPERTY FOR THE DEVELOPMENT OF THE DISTRIBUTION AND OFFICE FACILITY, AND MAKING FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445

Chair Ronquillo announced the time had arrived for Council to consider the issue and noted the public testimony portion of the hearing was closed last week.

A motion by Councilmember Steitz to approve the above item was voted upon after brief discussion.

Councilmember Perea commented briefly on requesting time for a Council approved policy on how a decision would be made on types of funds the City will provide to new or existing businesses coming to the City, and stated until such a policy is adopted he would not support the above item.

Chair Ronquillo stated the importance of providing more jobs, however he did not approve the expansion of the project, noted the project is located in a Redevelopment Agency district and he would support.

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, the City Manager hereby authorized to sign the Funding Agreement; the Agency Executive Director, or his designee hereby authorized to sign the Funding Agreement and take such further actions as may be necessary or appropriate to carry out the Agency’s obligations under the Agreement including, without limitation, returning to the Council/Board with the appropriate actions and agreements to facilitate bonding or other debt issuance; the above listed Redevelopment Agency Resolution No. 1567 and City Council Resolution No. 2000-188 hereby adopted; by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	Perea
Absent	:	None

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The joint meeting of the Redevelopment Agency with the City Council adjourned at 2:36 p.m. and Councilmember Ronquillo left the meeting for a brief period.

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**CONTESTED CONSENT ITEMS**

**(1A-3) AWARD A CONTRACT TO AMERICAN PAVING CO. IN THE AMOUNT OF \$42,109.20 FOR BIKEWAY IMPROVEMENTS ON MILLBROOK BETWEEN FRIANT AND BRANDYWINE AND EATON TRAIL TO FRIANT EXPRESSWAY**

**135-293**

**6/13/00**

Speaking to the issue were Michael Becker, 4839 N. Sunset Avenue who expressed concern with funds being awarded for bikelanes being built to the north of Fresno, stated bikelanes need to be established in the Tower District; and Brad Fitzhenry, 1463 N. Wishon, spoke in support. Public Works Director White gave a brief overview of the funds available and the distribution of funds for bikelanes. **(5-0)**

Councilmember Mathys requested the status of moving a wall back located on Van Ness and Marks Avenues with City Manager Reid stating a tray memo had been issued and he would re-submit the memo.

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above listed item hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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**(1A-6) APPROVE PROFESSIONAL SERVICES AGREEMENT WITH BLAIR, CHURCH AND FLYNN**

CONSULTING ENGINEERS FOR FINAL DESIGN ON A NEW 66-INCH DIAMETER TRUNK SEWER IN NORTH AVENUE FROM STATE ROUTE 99 TO FRUIT AVENUE

Councilmember Perea left the meeting briefly at 2:52 p.m.

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, Professional Services Agreement with Blair, Church and Flynn Consulting Engineers for final design on a new 66-inch diameter trunk sewer in North Avenue from State Route 99 to Fruit Avenue hereby approved and the Public Works Director authorized to sign the agreement on behalf of the City, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Perea, Ronquillo

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**CLOSED SESSION**

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (A)**

**1. CASE NAME:** FENTRESS BRADBURN ARCHITECTS, LTD., ET AL. V. CITY OF FRESNO - **(REMOVED FROM AGENDA)**

**2. CASE NAME:** D-G-S DEVELOPMENT V. CITY OF FRESNO

**(B) CONFERENCE WITH LEGAL COUNSEL - FRIEND-OF-THE-COURT-PARTICIPATION - GOVERNMENT CODE SECTION 54954.2, SUBDIVISION (A)**

**1. CASE NAME:** COUNTY OF SONOMA V. COMMISSION OF STATE MANDATES

The Council met in closed session at the hour of 2:53 p.m. to consider the above issues and reconvened at 3:20 p.m with Councilmember Ronquillo arriving later.

**135-294**

**6/13/00**

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**(3:15 P.M.) AWARD THE FOOD AND BEVERAGE CONCESSION AGREEMENT AT FRESNO CHANDLER DOWNTOWN AIRPORT TO PATRICIA RATLIFF**

Transportation Director Hayes briefly review the RFP process, stated the current lessee would give funds back to the Airport and recommended approval of staff recommendation.

Airports Development Manager Card stated the income statements of the old lessee were available for review, and submitted a list of names to Council along with a petition and read a letter into the record from Bill and Michelle Ducas, on file in the Clerk's Office, stating their intent to remove their names from the petition. Councilmember Ronquillo arrived at the meeting at 3:27 p.m. Mr. Card discussed the FAA rules and Disadvantaged Business Enterprise (DBE) recommendations and standards. Acting President Bredefeld left the meeting at 3:31 p.m.

City Attorney Montoy clarified the awarding of the contract was a federally funded project and subject to FAA rules and regulations, and to make a decision today to not approve staff recommendation, Council would have to make a finding that there had been an unfair occurrence in the solicitation process, not the contractor.



Acting President Bredefeld returned to the meeting at 3:37 p.m. Speaking in opposition to awarding the contract to a new lessee were: John Smedley, 36216 Blanca; Craig R. Canady, 3120 N. 9<sup>th</sup> Street; Bob Hayes, 2046 S. Waldby Avenue, Henry Wang, 5843 W. Beechwood Avenue; Jack Parker, 644 E. Olive; Curt Blank, 10645 E. Jensen Avenue; and Jason Franklin, 814 E. Carmen.

Speaking in support of awarding the contract to Patricia Ratliff were: Edward Harris, 363 W. Woodward; Judy Spencer, 4030 N. First; Anita Pearson, 336 E. Alluvial; Ken Blackwood, 1649 Van Ness Avenue; (6-0) and Patricia Ratliff, 2508 Ventura.

Brief discussion ensued regarding the \$3,000 threshold with Mr. Card responding, stated the new proposed contract included renovation of the restaurant for one year free rent

Councilmember Ronquillo stated a process was followed and the City has an opportunity to expand and made a motion to approve staff recommendation which was voted upon after brief discussion.

Councilmember Quintero questioned the remodeling aspect and DBE requirements with Mr. Card responding. Council President Boyajian expressed concern relating to the terms of the old agreement, questioning why a rent amount was not stated in the agreement, with Mr. Card responding.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, to approve the Fresno Chandler Downtown Airport Food and Beverage Concession Agreement between the City of Fresno and Patricia A. Ratliff hereby approved and the Public Works Director authorized to sign the agreement on behalf of the City, by the following vote:

Ayes	:	Bredefeld, Perea, Ronquillo, Steitz
Noes	:	Mathys, Quintero, Boyajian
Absent	:	None

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**135-295**

**6/13/00**

**(3:30 P.M.) APPEARANCE BY DIANE SCOTT TO PRESENT A VIDEO RELATING TO THE GAP PROTEST AT FASHION FAIR**

Acting President Bredefeld and Councilmember Steitz left the meeting at 4:23 p.m. Councilmember Perea left the meeting at 4:32 p.m. Appearance and presentation of video made. No action taken.

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**(4:30 P.M.) HEARING TO CONSIDER PLANNING COMMISSION'S ACTION ON CONDITIONAL USE PERMIT APPLICATION NO. C-99-223 AND ENVIRONMENTAL FINDINGS, FILED BY G. SINGH, FOR A CONVENIENCE STORE WITH THE SALE OF ALCOHOLIC BEVERAGES AND LAUNDROMAT ON A 0.45-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF N. FRUIT AND W. CLINTON AVENUES**

- 1. CONSIDER ENVIRONMENTAL ASSESSMENT/DETERMINATION OF CATEGORICAL EXEMPTION NO. C-99-223**
- 2. RESOLUTION - APPROVING CONDITIONAL USE PERMIT APPLICATION NO. C-99-223 SUBJECT TO CONDITIONS**

Council President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Haro gave an overview of the staff report stating the main concerns of the neighbors were primarily related to the concentration of alcohol licenses and traffic in the proposed area, and recommended the project be approved subject to conditions of the Planning Commission. Councilmember Perea returned to the meeting at 4:39 p.m.

Jim Logan, representing the applicant, requested Council approve the convenience store with the sale of alcoholic beverages and a laundromat, stated the property is zoned C-1 and elaborated on the history of the applicant's other establishments. Councilmember Steitz returned to the meeting at 4:43 p.m and Councilmember Ronquillo left at 4:49 p.m. **(7-0)**

Council President Boyajian read a list of several liquor store locations in the area, stated there is an over-abundance of liquor stores in the area, and advised he would not support the project.

Councilmember Ronquillo returned to the meeting at 4:54 p.m. Jan Alcock, 135 E. Terrace, stated if the property was rezoned the buyer should be informed that there would be no sale of alcohol on the site.

Speaking in opposition to the sale of alcohol on said site were: Lee Liddle, 546 W. Terrace; Paul Mullen, 545 W. Terrace; Barry Webb, 745 W. Harvard; Bob Gatewood, Jeri Bergeron, 2412 W. Clinton; 2427 N. Vagedes and Ajit Gil, 2228 S. Winery.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Discussion ensued regarding the alcohol portion of the entitlement being deleted, with Mr. Logan recommending the hearing be continued in order to discuss the matter with the applicant. A motion by Councilmember Mathys to continue the hearing one month in order to schedule a neighborhood meeting and for the Councilmembers to be invited to discuss modification of the application to exclude the sale of alcohol died due to a lack of a second.

**135-296**

**6/13/00**

Councilmember Perea expressed concern with the number of elementary schools surrounding the area, with Mr. Haro stating ABC had not yet approved the liquor license, stated Mr. Singh wanted to go through the CUP process to see if there was support from the City for the CUP for alcohol sales and elaborated.

Assistant City Attorney Avila stated the hearing cannot be continued due to Council having 30 days to hear and act on the request or the Planning Commission decision becomes final and Council would lose the authority to act on it. Mr. Avila continued informing the Council the applicant was entitled, by Site Plan review, to have a convenience store and the issue was the sale of alcohol, stated if Council wanted to deny the application they would need to base their decision to deny or approve on the ability to make the findings in the staff report affirmative or in the negative, adding Council would need to articulate the facts in denying the application.

Councilmember Steitz expressed concern that the sale of alcohol should have been addressed during the rezone process, and that the applicant has met all the requirements, stating he would support the CUP.

A motion to deny the CUP was made by Council President Boyajian and was acted upon after clarification of by Mr. Avila. **(8-0)**

Mr. Avila stated if the motion was to deny, based upon the finding that the sale of alcoholic beverages would be detrimental to the surrounding area, the motion carries the effect to uphold the appeal; he added the applicant had a right to develop without a CUP and it would not effect the laundromat or the convenience store.

On motion of Council President Boyajian, seconded by Acting President Bredefeld, duly carried, RESOLVED, the determination that the project is categorically exempt from environmental review pursuant to Environmental Assessment No. C-99-223 dated February 14, 2000 hereby denied, the appeal of Conditional Use Permit Application No. C-99-223 to allow for the development of a convenience store with the sale of alcoholic beverages and a laundromat facility hereby upheld with the finding that the sale of alcohol would be detrimental to the public welfare of the surrounding area and incompatible with the neighborhood by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Steitz
Absent	:	None

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**(4:50 P.M) APPEARANCE BY HARLAN KELLY TO DISCUSS ISSUES REGARDING RECYCLING ACTIVITIES IN SOUTHWEST FRESNO**

Mr. Kelly presented a video of Dan Green's Recycling facility, stated the owners have violated several conditions since the business opened including operating commercially on RA zoning and elaborated.

Development Director Yovino reviewed the Site Plan, stated there were conditions dealing with the screening, and the mounds not to be higher than 6 feet high and requested a legal opinion from the City Attorney's Office in early April..

**135-297**

**6/13/00**

City Manager Reid stated the City has applied control on the Site Plan Review process, but stated the ruling by the City Attorney's office was the City was stepping beyond their legal rights and elaborated. Mr. Reid stated recycling will be an increased demand in the future and showed a structure on the overhead of the facility that will be located on Elm Street.

Extensive discussion ensued regarding non-compliance and code violations the recycling business has been performing.

Councilmember Perea questioned whether the City of Fresno was doing business with Green's Recycling and if so, the City needs to discontinue service, with Mr. Yovino responding.

Speaking in opposition to Green's Recycling were Myser Keels, 1060 Jones Avenue and Edward St. James, 220 E. Oleander. Acting President Bredefeld left the meeting briefly at 6:09 p.m.

Councilmember Ronquillo requested an explanation be provided in writing as to why the Green's Recycling can still remain in operation with Mr. Avila responding. **(9-0)** Deputy City Attorney Slater gave an extensive review of the history of the Site Plan and responded to questions. No action was taken.

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**(5:00 P.M.) HEARING TO CONSIDER APPEAL OF CONDITIONAL USE PERMIT APPLICATION NO. C-00-031 AND ENVIRONMENTAL FINDINGS, FILED BY SAINT AGNES MEDICAL CENTER, FOR 32 ACRES OF PROPERTY LOCATED AT 1303 E. HERNDON AVENUE**

**1. CONSIDER ENVIRONMENTAL ASSESSMENT/NEGATIVE DECLARATION NO. C-00-031**

**2. RESOLUTION NO. 2000-189 - CONDITIONALLY APPROVING NEW FACILITIES AND ADDITIONS AT THE SAINT AGNES MEDICAL CENTER**

Council President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Beach gave a brief overview of the staff report.

Speaking to the issue were Norman Terrell, 1366 E. Los Altos; Dave Wyatt, 1377 E. Los Altos; Larry Pallisterni, 1328 E. Los Altos and Carol Terrell, 1366 E. Los Altos.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

A motion by Acting President Bredefeld to approve staff recommendation was acted upon after discussion.

Councilmember Mathys stated there were a number of issues the speakers mentioned and questioned whether they would have an opportunity to address those issues in the future with Mr. Beach responding.

Councilmember Ronquillo questioned the trees to be planted around the parking structure, stated City staff needed to discuss the landscaping with the involved property owners and a request to modify the motion to have the landscape review plan include landscaping to accommodate large trees was not acted upon.

**135-298**

**6/13/00**

On motion of Acting President Bredefeld, seconded by Councilmember Steitz, duly carried, **RESOLVED**, the Negative Declaration for Environmental Assessment No. C-00-031 hereby approved; Conditional Use Permit No. C-00-031 hereby approved, subject to the following conditions: Closure of the south perimeter road adjacent to the parking structure except during emergencies, install landscaping subject to staff review and approval along the structure's south side, install noise and visual screening on the upper floors of the structure's south side and all special permit conditions of project approval for C-00-031, and Resolution No. 2000-189 hereby adopted by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Boyajian
Noes	:	Mathys, Ronquillo
Absent	:	None

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Council President Boyajian stated the Council meeting has been adjourned to Thursday morning and City Manager Reid requested a legal opinion as to the timelines of the Mayor's right to review the budget resolutions. Assistant City Attorney Avila responded.

With Council concurrence, the meeting was adjourned to the regular City Council meeting of June 20, 2000.

## **ADJOURNMENT**

There being no further business to bring before the Council, the hour of 6:58 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the 20<sup>th</sup> day of June, 2000.

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Tom Boyajian, Council President	ATTEST: Cindy Hamby, Deputy City Clerk